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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/687,778	
	Filing Date	10/16/2003	
	First Named Inventor	Brett J. Diffley	
	Art Unit	3712	
	Examiner Name	Urszula M. Cegielnik	
Total Number of Pages in This Submission	8	Attorney Docket Number	

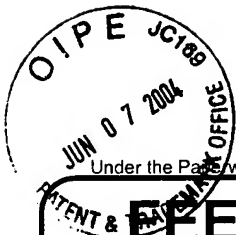
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Delbert J. Barnard, Esq.
Signature	
Date	June 1, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Delbert J. Barnard, Esq.		
Signature		Date	06/01/2004

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PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
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# **FEE TRANSMITTAL** **for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0

## **Complete if Known**

Application Number	10/687,778
Filing Date	10/16/2003
First Named Inventor	Brett J. Diffley
Examiner Name	Urszula M. Cegielnik
Art Unit	3712
Attorney Docket No.	

## **METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

02-0915

Barnard & Pauly, P.S.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 0

### **2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0

## **SUBMITTED BY**

Name (Print/Type)	Delbert J. Barnard, Esq.	Registration No. (Attorney/Agent)	20515	Telephone	206-381-3100
Signature		Date	06/01/2004		

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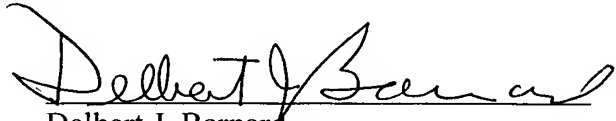


FW

PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 1, 2004.

June 1, 2004

  
Delbert J. Barnard  
Registration No. 20,515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3712  
Examiner: Urszula M. Cegielnik  
Applicant: Brett J. Diffley  
Serial No.: 10/687,778  
Filed: October 16, 2003  
For: FLOATING WATER TOY  
Date: June 1, 2004

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 2, 2004, relating to the above-identified application, kindly amend the application as follows:

### **In the Description**

Starting on line 21 of page 4 and continuing through over line 2 on page 5, rewrite the paragraph appearing at this location so that it reads:

Fig. 4 shows the tubular central portion 58 of the pump 38, 40 provided with a split ~~collar~~ bearing 60. The split bearing 60 can be opened up at the split 62 and then placed on to the tubular part 58. The ~~tubular~~ split bearing 60 is inserted into the vertical opening 44, as shown in Fig. 6. A tight fit of split bearing 60 in the vertical opening secures the pump 38, 40 to the opening 44, causing it to assume the position shown in Figs. 1, 2, 6 and 7. The discharging portion of each water gun 38, 40 is positioned above the central part 18 of the lower portion 12 of the rotation body. The lower portion of the tubular structure 58 extends downwardly through the opening 44 and places the grip portion 64 of the water gun 38, 40 and the trigger ~~46~~ 54 in the water below the lower portion 12 (Figs. 3 and 7). In the illustrated embodiment, two water guns, 38, 40 are provided, one on each side of the water toy 10. Water gun 38 is positioned where it can be controlled by the right hand of the person whose head is in the cavity. The left hand of the same person grasps onto and controls the hand control for the second water pistol 40. The tubular portions 58 of the water guns 38, 40 can rotate within the bearings 60. The user 34 need only rotate the tube 38, by movement of the hand control, in order to change the discharge direction of the water stream.